

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DENNIS SISNEROS,

Plaintiff,

vs.

No. CIV 09-0213 JB/ACT

MICHAEL FISHER, in his individual capacity,
and THE COUNTY OF BERNALILLO,

Defendants.

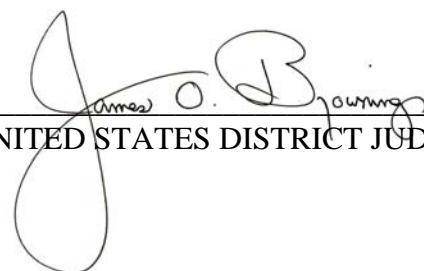
ORDER

THIS MATTER comes before the Court on the Defendants' Motion in Limine #4 -- Roger Sisneros, filed February 9, 2010 (Doc. 56). The Court held a hearing on February 19, 2010. The primary issue is whether and to what extent the Court should limit the testimony of Roger Sisneros, Plaintiff Dennis Sisneros' brother and a witness whom Sisneros listed to be called at trial. The Court will deny the motion.

Defendants Michael Fisher and the County of Bernalillo seek to limit R. Sisneros' testimony in two respects. First, they object to any testimony regarding the facts of D. Sisneros' June 17, 2007 arrest, because D. Sisneros has no personal knowledge of those events. See Motion at 1-2. Second, the Defendants object to R. Sisneros testifying about having to pick up D. Sisneros' daughters and transport them back to Taos, New Mexico. See id. at 2. At the hearing, Deborah Wells, the Defendants' attorney, indicated that the Defendants withdrew the objections in their motion and objected only to R. Sisneros testifying about what D. Sisneros' daughters said or allegedly felt about D. Sisneros' arrest. See Transcript of Hearing at 19:13-22:19 (taken January 19, 2010)(Court,

Wells).¹ The Court finds, however, that the deposition testimony that caused the Defendants' concern speaks only of what R. Sisneros experienced and does not substantially explore the emotional state of D. Sisneros' daughters. For the reasons stated on the record, and for further reasons consistent with those already stated, the Court denies the motion. D. Sisneros' counsel is advised, however, that, if they foresee that Roger's testimony will stray beyond the content of his deposition, they should approach the bench and seek approval of that additional testimony before proffering it.

IT IS ORDERED that the Defendants' Motion in Limine #4 -- Roger Sisneros is denied.


UNITED STATES DISTRICT JUDGE

Counsel:

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Attorney for the Defendants

¹ The citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may have slightly different page and/or line numbers.